CS-400

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 2849 OF 2004

PETITIONERS:

1. Jagdish Tytler, President of Indian Judo Federation, Room No.1134 A.B., Gate No.27, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi.
2. The Secretary, Indian Judo Federation, Room No.1134 A.B., Gate No.27, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi.
3. Balbir Juneja, President of Chhattisgarh State Judo Association, Behind Hotel Giriraj, Jail Road, Raipur.
4. Arun Dwivedi, Secretary, Chhattisgarh State Judo Association, Rid-sid Parisar, Jalebi Chowk, Camp-1, Bhilai-1, Link Road, District Durg.

P. R. No. 2767/04
Presented by Shri A.K. Singh
dated 20-8-04

VS

RESPONDENTS

1. Chhattisgarh State Judo Association Through the Secretary Shri Om ji Gupta, Office: 37/222 "Umang", Chottapara Road, District Raipur.
2. Omprakash Pujari, President Chhattishgarh State Judo Association Office & Residence "Center Point" Saddani Chowk, Sadar Bazar, District Raipur.

शपथ आयुक्त
बिलासपुर

(5)

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC OR DIRECTION (S) / ORDER(S) IN THE NATURE OF WRIT.

XI-HC-22

(105)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... WP 2849/04 ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

28.4.2005

Shri B.P. Sharma, counsel for the petitioners.

Shri Jitendra Nande, counsel for respondents.

Heard.

By this petition filed under Article 227 of the Constitution of India, the petitioners challenged the order dated 13-7-2004 (Annexure-P/1) passed by the 8th Additional District Judge, Raipur, in M.J.C. No. 3/2004 decided on 13th July, 2004 whereby the appeal filed by the petitioners against the order passed by 10th Civil Judge, Class II, Raipur, on 20-2-2004 (Annexure-P/2) in Civil Suit No. 12-A/2003, filed by respondents, granting injunction in favour of respondents, was rejected.

Brief facts of the case are that respondent No.1 filed a suit alongwith an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure for injunction restraining the petitioners from carrying out any activities in relation to the game of Judo in the State of Chhattisgarh. The present petitioners filed the reply to the application. The trial Court however, allowed the application and granted the

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मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

injunction vide order dated 20-2-2004 (Annexure-P/2). The petitioners filed the appeal against the said order. The appellate Court rejected the appeal.

In this petition, an argument has been raised that respondent no.1 has not been properly joined. Counsel for the petitioners submitted that the petitioners have joined the respondent no.1 as is described by the respondent no.1 itself before the trial court as a plaintiff. It is contended that if this petition is not maintainable, the suit filed by the respondents would also not be maintainable.

To elucidate the above, learned counsel for the petitioners submits that respondent no. 1 filed the suit by the name Chhattisgarh State Judo Association instead of Chhattisgarh Pradesh Judo Association by which name they have been registered with Registrar Societies (Annexure R-1) and it is appeared from the records of the trial court which have been called. Issue no. 1 is for that purpose. It is submitted that after re-organization of the State, the activities of the game of Judo is paralyzed. In fact, Chhattisgarh was not represented in the tournament organized on 16th October, 2004 and prior to that also.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Now in the months of May and June this year, Senior National Judo Championship and other tournaments are to be organized and there will be no representation of Chhattisgarh because of the aforesaid orders.

It is submitted that one Ganga Ram Sharma has submitted his resignation (Annexure P-5) on the ground of mis-user of his name. Therefore, he did not want to continue and he has supported candidature of one Balbir Juneja, Chhattisgarh Pradesh Judo Association. Learned counsel for the respondents pointed out that this issue has been framed by the Court below.

Learned counsel for both the parties submit that the matter is delayed and they pray for early disposal because of circumstances prevailing in relation to game of Judo in the State of C.G. and agreed for the date 10th of May, 2005 for examination of witnesses from both the sides in the Trial Court.

This Court has gone through the records and the orders passed by the Courts below. It is noted that the issues have been framed. It is further noted that one person Ganga Ram has resigned and supported

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the candidature of one Balbir Juneja. It is also noted that the suit was filed by respondent No.1 in the name of Chhattisgarh State Judo Association instead of Chhattisgarh Pradesh Judo Association.

Having considered the facts and circumstances of the case and the material on record, ends of justice will be served if a direction is given to the parties to produce the evidence on 10th May, 2005 and the evidence shall be completed on day to day basis i.e. on 11th and 12th May, 2005 onwards and the suit itself will be decided by the trial Court strictly in accordance with law as early as possible preferably by 30th June, 2005, without being influenced by any of the observations made by the Courts below while deciding the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure.

With the aforesaid observations this petition stands disposed of.

Consequently, all pending applications also stand disposed of.

Records of the courts below be sent back forthwith by a Special Messenger alongwith the copy of this order.

Sd/-
Fakhruddin
Judge

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13.5.05 6.5.05